

Substitute Amendment No. 1 to Ordinance No.: 1837(10)
Introduced by: Committee of the Whole

**AN ORDINANCE ANNEXING TERRITORY LOCATED AT 32435 YAHNKE ROAD
(SCHAEFER) TO THE CITY OF BURLINGTON, WISCONSIN**

The Common Council of the City of Burlington, Wisconsin, do ordain as follows:

SECTION 1. Territory Annexed. The Common Council of the City of Burlington does hereby annex to the City of Burlington, by a two-thirds majority of its members, in accordance with sec. 66.0217 of the Wisconsin Statutes and the petition for direct annexation filed with the City Clerk on the 8th day of May, 2007, signed by all of the owners of the territory, the following described territory in the Town of Burlington, Racine County, Wisconsin:

Part of the Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 5, the East 9 rods of the Northeast $\frac{1}{4}$ and the East 50 acres of the East $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ of Section 8, the West $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ and the Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 9, all in Township 2 North, Range 19 East, in the Town of Burlington, Racine County, Wisconsin, bounded and described as follows:

Commencing at the Southeast corner of the Southeast $\frac{1}{4}$ of said Section 5 and the Point of Beginning; thence S 01°35'45"E along the west line of the Northwest $\frac{1}{4}$ of said Section 9, a distance of 1,327.08 feet; thence N 88°58'56"E, a distance of 1,311.00 feet; thence S 01°38'50"E, a distance of 1324.27 feet to the north line of the Southwest $\frac{1}{4}$ of said Section 9; thence S 01°39'02"E, a distance of 2,631.73 feet to south line of the Southwest $\frac{1}{4}$ of said Section 9; thence S 88°51'23"W along said south line, a distance of 1,314.36 feet to the Southwest corner of the Southwest $\frac{1}{4}$ of said Section 9; thence 88°17'32"W along the south line of the Southeast $\frac{1}{4}$ of said Section 8, a distance of 823.79 feet; thence N 01°35'59"W, a distance of 2,630.06 feet to the north line of the Southeast $\frac{1}{4}$ of said Section 8; thence N 88°10'24"E along said north line, a distance of 675.16 feet; thence N 01°35'45"W, a distance of 2,653.99 feet to the north line of the Northeast $\frac{1}{4}$ of said Section 8; thence N 01°29'38"W, a distance of 693.26 feet to the centerline of Yahnke Road and the arc of a curve; thence northerly along said centerline, 74.96 feet along the arc of curve whose center is N 62°09'21"W a radial distance of 369.65 feet and whose chord bears N 22°02'06"E, 84.86 feet; thence 16°13'33"E along said centerline, a distance of 71.58 feet; thence N 85°01'10"E, a distance of 90.20 feet to the east line of the Southeast $\frac{1}{4}$ of said Section 5; thence S 01°57'39"E along said east line, a distance of 834.53 feet to the Southeast corner of the Southeast $\frac{1}{4}$ of said Section 5 and the Point of Beginning, 180.7327 acres.

SECTION 2. Effect of Annexation. From and after the date of this ordinance, the territory described in Section 1 shall be a part of the City of Burlington for any and all purposes provided by law and all persons coming or residing within such territory shall be subject to all ordinances, rules and regulations governing the City of Burlington.

SECTION 3. Zoning Classification. Upon recommendation of the Planning Commission, the territory annexed to the City of Burlington by this ordinance is permanently zoned as follows:

Rs-1, Single-Family Residence District
Rs-2, Single-Family Residence District
Rm-2, Multiple-Family Residence District
B-1, Neighborhood Business District
P-1, Park District
C-1, Conservancy District;

as shown Exhibit A, entitled "Proposed Zoning," attached hereto and made a part hereof, excepting, however, the lands described and shown on Exhibit B, entitled "Legal Description of Lands to be Temporarily Zoned A-1," attached hereto and made a part hereof, which shall be temporarily zoned A-1, Agricultural/Holding District for a period of one year from the date of the passage of this ordinance, and then shall automatically convert to the permanent zoning shown on Exhibit A without further action by the Plan Commission or Common Council.

SECTION 4. Ward Designation. The territory described in Section 1 of this ordinance is hereby made part of the sixth ward of the City of Burlington, subject to the ordinances, rules and regulations of the City of Burlington governing wards. The population of the property is zero.

SECTION 5. Pursuant to section 60-4 of the Code of the City of Burlington, the property set forth in Section 1 shall be added to the official map of the City of Burlington, upon the recommendation of the Plan Commission at its July 10, 2007 meeting and the public hearing held by the Common Council at its July 17, 2007 meeting.

SECTION 6. Payment to Town. Pursuant to Wis. Stat. ss. 66.0217(14)(a)2., 66.0225 and 66.0305, the City of Burlington shall pay to the Town of Burlington an amount equal to the Town's mill rate for Town purposes for the year 2008, multiplied by the City's assessed value on each taxable property, multiplied by a factor of 100% for taxes collected in 2009, 80% in 2010, 60% in 2011, 40% in 2012, and 20% in 2013, pursuant to the Revenue Sharing Agreement entered into between the Town of Burlington and the City of Burlington as part of the City-Town Agreement.

SECTION 7. Severability. If any provision of this ordinance is invalid or unconstitutional, or if the application of this ordinance to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this ordinance which can be given effect without the invalid or unconstitutional provision or application.

SECTION 8. It is further ordained that the Clerk shall cause this Ordinance to be published as a Class 1 notice. The Clerk shall also perform the filing requirements of Wis. Stat. s. 66.0217(9).

SECTION 9. Effective Date. This ordinance shall take effect upon passage, public hearing and publication as provided by law.

Introduced: July 17, 2007
Substitute Amendment No. 1 Introduced: August 7, 2007
Adopted: August 7, 2007

Claude Lois, Mayor

Attest:

Beverly R. Gill, City Clerk

The legal description of the individual zoning referenced in this ordinance is on file at City Hall, 300 North Pine Street, Burlington, Wisconsin and on the city's website at www.burlington-wi.gov